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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/184,587	11/03/1998	HAJIME KOJIMA	826.1515/JDH	4412
21171	7590	07/19/2007	EXAMINER	
STAAS & HALSEY LLP			SHAAWAT, MUSSA A	
SUITE 700				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/184,587	Applicant(s) KOJIMA ET AL.	
	Examiner Mussa A. Shaawat	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/7/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 36 and 37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Response to Amendments

1. This action is in response to the amendment filed on June 07, 2007.

Claims 1, and 7 have been amended. Claims 1-35 are pending examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al., US Patent No. (5,794,207).

Walker et al show a witness system 200 to assist a buyer and a seller after at least one sale operation has been agreed upon (see col.23 lines 12-18, where the status of counter offer is changed to complete between seller and buyer, i.e. at least one operation has been agreed upon), that receives purchase offers 100 from buyers, transmits the offers to sellers, receives seller responses 110 and transmits purchase confirmation 120 to the buyer and the seller, see col. 20, lines 2-4. The witness system confirms that the documents are accurate in col. 19, lines 32-40 and col. 18, lines 8-14. The witness system authenticates both the buyer and the seller; see col. 24, lines 31-46 and col. 26, lines 47-50. The witness system 200 has databases 265, 270 and 275 that keep track of all the transactions. The witness system includes a bonding agency 170 that issues a bonding certificate that verifies the ability of the buyer to pay and the ability of

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the seller to deliver the goods, see col. 27, line 19 to col. 30, line 29. Payment transfer means are disclosed in col. 21, lines 45-61. Payment by checks is disclosed in col. 20, line 53. Col. 19, lines 54-60 disclose that the seller can transmit the CPO directly to the buyer and then the buyer submits the CPO to the central controller for verification and authentication. Also, the counteroffer procedure disclosed in col. 9, lines 44-51, col. 13, lines 30-35 and col. 22, line 39 to col. 23, line 18 is another situation in which the buyer receives offers from a seller and submits them to the central controller.

Walker et al. also teach a witness system including a first computing means 400 for making document data and a second computing means 300 for confirming the document data and a third computing means 200 for storing in memory the confirmed document data. DES encryption is disclosed in col. 24, line 28.

While Walker et al. teach all the features of the claimed invention, Walker et al. fail to teach the limitation, "confirmation document making means for making a confirmation document by a buyer (see col.23 lines 15-18, the purchase confirmation is transmitted to the seller and to the buyer i.e. buyer confirms document) for each one of a plurality of seller records (see col.22 lines 49-51, CPO directed to a plurality of buyers)". On the other hand, it would have been obvious for one of ordinary skill in the art at the time of the invention to adapt the system of Walker et al. to include a plurality of seller records in order to easily accommodate multiple matter's of design choice of potential transactions between a buyer and a seller. The limitation of each confirmation/notarization

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document or payment object "indicating a selected sale and corresponding sales data of at least one item among the plurality of seller records", is also made obvious by Walker et al. (See for example, Col. 23, lines 6-14) where the buyer decides to bind the counteroffer (i.e., indicate a selected sale of an item) from the seller and transmits the response to the central controller. It would have been obvious to one of ordinary skill in the art to include sales data in the confirmation, in order to ensure that all the necessary information and terms of the agreement are present to avoid any misunderstandings.

Furthermore:

Walker teaches wherein the witness system responds to any subsequent inquiry of the buyer or the seller relative to the selected sale using the store confirmation (see at least col.19 lines 65-col.20 line 5, wherein the central controller communicates to the buyer and seller a purchase confirmation after the conditional offer is agreed upon or bounded into a legal contract between the buyer and the seller, see also col. 20 lines 43-48, wherein after the purchase agreement is sent, if there happens to be a dispute with regards to the goods the buyer contacts the arbiter by using the central controller to dispute the resolution i.e. witness system (central controller in this case) responds to subsequent inquiry of the buyer or seller relative to purchase confirmation between the buyer and seller using the stored documents in the central controller).

Re claim 10: It is well known in business to double check statement information with other information, to ensure that there are no mistakes, (see col.18 lines 9-14, where the CPO is being reviewed or clarified by the buyer for

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unclear terms or conditions i.e. double check statement information with other information, to ensure that there are no mistakes, also see col.19 lines 30-45, wherein the central controller verifies the identity of the seller and verifies for example if the seller is an airline, i.e. the central controller double checks if the conditions of the buyer are met by the seller). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Walker et al. to have the seller check detailed payment statements against documents stored in memory, to ensure accuracy of the information.

Response to Arguments

4. Applicant's arguments filed 11/02/2006 have been fully considered but they are not persuasive. In Particular applicant argues that, A) Walker does not teach a witness system to assist a buyer and a seller after at least one sale operation has been agreed upon when an offer and acceptance have occurred; B); Applicant argues that there is no suggestion or motivation to combine; C) Applicant challenges Official Notice and requests a reference.

In response to A), Examiner respectfully disagrees. Applicant is reminded that claims must be given their broadest reasonable interpretation. Walker teaches *a central controller (witness system) which communicates to the buyer and the seller a purchase confirmation after the conditional offer is agreed upon or bounded into a legal contract between the buyer and the seller, see at least col.19 lines 65-col.20 line 5*. Therefore Walker still meets the scope of the limitation as currently claimed.

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In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, While Walker et al. teach all the features of the claimed invention, Walker et al. fail to teach the limitation, "confirmation document making means for making a confirmation document by a buyer (see col.23 lines 15-18, the purchase confirmation is transmitted to the seller and to the buyer i.e. buyer confirms document) for each one of a plurality of seller records (see col.22 lines 49-51, CPO directed to a plurality of buyers)". On the other hand, it would have been obvious for one of ordinary skill in the art at the time of the invention to adapt the system of Walker et al. to include a plurality of seller records in order to easily accommodate multiple matter's of design choice of potential transactions between a buyer and a seller. The limitation of each confirmation/notarization document or payment object "indicating a selected sale and corresponding sales data of at least one item among the plurality of seller records", is also made obvious by Walker et al. (See for example, Col. 23, lines 6-14) where the buyer decides to bind the counteroffer (i.e., indicate a selected sale of an item) from the seller and transmits the response to the central controller. It would have been

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obvious to one of ordinary skill in the art to include sales data in the confirmation, in order to ensure that all the necessary information and terms of the agreement are present to avoid any misunderstandings. Therefore in view of the evidence above, Walker in view of the obviousness still meets the scope of the limitation as currently claimed.

In response to C) see claim 10.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mussa A. Shaawat whose telephone number is 571-272-2945. The examiner can normally be reached on Mon-Fri (8am-5:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mussa Shaawat
Patent Examiner
July 9, 2007


F. RYAN ZEENDER
PRIMARY EXAMINER

7/14/07